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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/354,870	07/16/1999	ROBERT D. WILSON	BL01134-012	5681

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EXAMINER	
FISCHETTI, JOSEPH A	
ART UNIT	**PAPER NUMBER**
3627	

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/354,870	WILSON ET AL.	
	Examiner	Art Unit	
	Joseph A. Fischetti	3627	MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 October 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,14,15 and 17-21* is/are pending in the application.

4a) Of the above claim(s) *1-10* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11,12,14,15 and 17-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Election/Restrictions

Claims 1-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 20. Applicant argues that the two different inventions do not impose a serious burden. However, this argument does not take into account that applicant's amendments now cause an additional search to be conducted and thus there are different combinations presented from what was presented earlier.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11, 12, 14, 15, 17-21are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims fail to incorporate a computer implemented method.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11-12,14,15,17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longfield in view of Hagemier and Lucero.

Longfield discloses completing a tax return for the filer, establishing a refund for the return; assigning a portion of the refund to an authorized credit institution or a spending vehicle provider (the loan established causes the refund to be returned not to the taxpayer but to the institution(see abstract) and therefore such a transaction can only be accomplished by an assignment). A credit institution is a spending vehicle provider because it is in the business of lending money which ultimately leads to spending by the person who obtains the loan.

However, the credit institution or the spending vehicle provider in Longfield does not have a spending vehicle as part of its system.

Hagemier does disclose combining a spending vehicle, i.e. credit card, with a tax crediting vehicle so that the credit obtained from the taxing system can be used toward purchases of products using the credit card. It would be obvious to modify the system and method in Longfield to include the spending vehicle of Hagemier because an authorized credit institution usually also issue credit cards as part of their services to customers and this would simplify the buying process for the tax payer by using the credit card of the credit institution to which the refund has been applied.

Also, The proposed combination does not employ a step of selecting a spending vehicle by a user to which a credit is returned. However, Lucero disclose allowing a

user to select any one of a number of credit vehicle col. 7 lines 50-51 to which is credited winnings from a gaming device. It would be obvious to provide such a selection option in Longfield because the motivation for this would allow a person to better manage his/her finances because the cad which has the greatest debt will be the one which the credit should be applied.

The credit institution is read as obviously being for use at a participating outlet because the outlet at which the credit is used is deemed to be participating. It is suggested that applicant's use the word "exclusive" to capture the feature he is attempting to advance in his arguments. Even still, the use of a spending vehicle which n is exclusive only to certain outlets is deemed a merely using a portion of the whole which is not deemed to be of patentable weight. Notwithstanding, Furuhashi et al. is provided as an evidentiary disclosure disclosing an electronic check which since it is made to the order of a specific payee is deemed to be for exclusive use at the payee outlet.

Re claim 15, to award an individual more than the amount of the return is simply an old expedient in the art of marketing to induce people to use the system.

Re claim 21: the intermediate processing system 124 is read as software to allow acceptance of one of Visa, MC or American Express.

Claims 11, 12 14, 15, 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longfield and Furuhashi et al. and Lucero.

Longfield discloses completing a tax return for the filer, establishing a refund for the return; assigning a portion of the refund to an authorized credit institution or a spending vehicle provider (the loan established causes the refund to be returned not to the taxpayer but to the institution(see abstract) and therefore such a transaction can only be accomplished by an assignment). A credit institution is a spending vehicle provider because it is in the business of lending money which ultimately leads to spending by the person who obtains the loan. The bank check is read as the spending vehicle. Notwithstanding, official notice is taken with respect to the use of a spending vehicles, such as a debit card or credit on a credit card, and accounts which are provided by any bank, credited by the amount of the return.

Also, the proposed combination does not employ a step of selecting a spending vehicle by a user to which a credit is returned. However, Lucero disclose allowing a user to select any one of a number of credit vehicle col. 7 lines 50-51 to which is credited winnings from a gaming device. It would be obvious to provide such a selection option in Longfield because the motivation for this would allow a person to better manage his/her finances because the cad which has the greatest debt will be the one which the credit should be applied.

The credit institution is read as obviously being for use at a participating outlet because the outlet at which the credit is used is deemed to be participating. It is suggested that applicant use the word "exclusive" to capture the feature he is attempting to advance in his arguments. Even still, the use of a spending vehicle which n is exclusive only to certain outlets is deemed a merely using a portion of the whole

which is not deemed to be of patentable weight. Notwithstanding, Furuhashi et al. disclose an electronic check which since it is made to the order of a specific payee is deemed to be for exclusive use at the payee outlet.

Re claim 21: the intermediate processing system 124 is read as software to allow acceptance of one of Visa, MC or American Express.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.